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C O N F I D E N T I A L SECTION 01 OF 02 HONG KONG 000335

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SUBJECT: HONG KONG GOVERNMENT REITERATES PLEDGE TO CONSULT  
ON 2012 REFORMS BY YEAR'S END

REF: (A) HONG KONG 163 (B) HONG KONG 139 (C) HONG  
KONG 114

Classified By: Consul General Joe Donovan for Reasons 1.4(b) and (d)

¶1. (C) Summary: Secretary for Constitutional and Mainland Affairs Stephen Lam assured the Consul General that the Hong Kong government still intends to begin consultations on reforms for the 2012 Chief Executive and Legislative Council elections by the end of 2009. At a lunch February 20, he reiterated the government's view that taking on too many difficult tasks at once was not in the best interests of Hong Kong, and the economy had to take precedence right now. While he rejected the argument that the final arrangements for elections by universal suffrage must conform to the letter of international conventions, he said the government was committed to the concept of "equal and universal participation." The Consul General noted that the United States set great store by the Chief Executive's commitment to begin consultations by year's end, regardless of the state of the economy, and hoped to see a successful result. In addition, while Lam described constitutional reform as much more important than Article 23, he did not commit to achieving universal suffrage prior to resuming consideration of national security legislation. End summary.

¶2. (SBU) The Consul General hosted Constitutional and Mainland Affairs Bureau (CMAB) Secretary Stephen Lam Sui-lung, Permanent Secretary Joshua Law Chi-kong, Under Secretary (political appointee) Raymond Tam Chi-yuen, and Administrative Assistant Ms. Joyce Ho Kwok-shan for lunch at the residence February 20. The Consul General was joined by the DPO and E/P Chief. In addition to discussing public consultations on electoral reforms for 2012, Secretary Lam also updated the Consul General on Hong Kong's expanding relations with Taiwan (septel).

¶3. (C) Secretary Lam explained the delay in beginning public consultations on 2012 elections in terms similar to those given by CMAB earlier (ref A). First, the government felt it wiser not to take on too many controversial issues at one time. The government was already dealing with the financial tsunami. In addition, Lam explained, it was important to lay the groundwork for establishing a minimum wage now so that, when the economy recovered, it could be put into effect quickly. Second, Lam stressed there is adequate time for the government to conduct its consultations starting in late 2009, to amend the annexes to the Basic Law (the constitutional changes to the electoral systems for Chief Executive and the Legislative Council) by the end of 2010, and to enact the enabling legislation in time for the 2012 elections.

¶4. (C) E/P Chief asked about Lam's recent remarks to the press which suggested that, even if no progress occurred in 2012, this did not rule out universal suffrage in 2017/2020. In past, E/P Chief recalled, the government had emphasized the need to meet the Basic Law's requirement of "gradual and

orderly progress" toward universal suffrage, which appeared to necessitate an intermediate step in 2012. Secretary Lam did not explain this apparent contradiction. His intention, Lam told us, had been to defuse tension surrounding the decision to delay public consultation on 2012 reforms. Lam complained he couldn't win. When he said 2012 was needed for "gradual and orderly progress," he was accused of making a threat; i.e. if the pan-democrats failed to accept the government's proposal for 2012, they would set back the implementation of universal suffrage. When he tried to make 2012 seem less urgent by suggesting failure to make progress now would not rule out universal suffrage in 2017/2020, he was accused of being defeatist.

15. (C) Secretary Lam also took the opportunity to address statements by the pan-democrats that any universal suffrage arrangements must conform to Article 25 of the International Covenant on Civil and Political Rights (ICCPR). (Note: ICCPR Article 25 deals with elections by universal suffrage. The UN body monitoring compliance with the Covenant has publicly stated that Hong Kong's functional constituencies -- legislative seats elected by specific economic and social sectors under a restricted franchise -- do not meet this standard. End note.) Lam reiterated the Hong Kong government's position that a reservation to the ICCPR taken by the United Kingdom, which states that Article 25 does not apply to Hong Kong, remained in force after the handover. He therefore rejected the argument Hong Kong's final arrangements for universal suffrage were bound to meet the Article 25 standard. That said, he stressed as well that the Chief Executive and the government were committed to the principle of "equal and universal participation" in Hong Kong

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elections.

16. (C) The Consul General mentioned that Chief Executive Tsang had pledged to begin consultations by the end of this year, regardless of the state of the economy. Lam reiterated this pledge, and stressed that the government's objective of implementing reforms for the 2012 elections was unchanged. The Consul General noted that the U.S. response to the delay had been "measured" to date. We are focused on the result more than the timetable, the Consul General told Lam. We are following the issue closely, and hope for success in the consultations. The Consul General also noted we set great store by the Chief Executive's pledge to begin the process by the end of 2009. Secretary Lam indicated he took these points on board.

17. (C) Noting Macau was in the final stages of considering its Basic Law Article 23 national security legislation, the Consul General asked whether Hong Kong was contemplating a renewed effort to pass such a bill. (Note: Both Hong Kong and Macau have the same Article 23 in their respective Basic Laws, requiring them to pass legislation on protecting national security. Hong Kong's 2003 draft bill was halted by both a massive public outcry and Legislative Council opposition; the aftermath contributed to the 2005 resignation of then-Chief Executive Tung Chee-hwa. End note.) Secretary Lam said, quite definitively, that there were no plans to revisit Article 23 at present. Arrangements for elections by universal suffrage in 2017 and 2020, Lam declared, are "much more important." That said, Lam deflected the Consul General's question as to whether the Hong Kong government intended to wait until after 2020, noting he could not say when Article 23 might come up in future.

DONOVAN